STATE

State attorneys wrap up defense of Amendment 2

Trial on law's constitutionality nearing finish

By **Angela Dire**
Gazette Telegraph

DENVER — With the testimony of a Princeton scholar, state attorneys Wednesday rested their case in the Amendment 2 trial — one of the broadest court examinations ever of the personal lives and public rights of gays and lesbians.

The trial over Amendment 2's constitutionality will close Friday after attorneys for the plaintiffs call rebuttal witnesses and both sides make closing arguments.

The law, approved by voters in November, would prohibit state and local governments from protecting gays and lesbians from discrimination based on sexual orientation. But it's on hold until District Judge Jeffrey Bayless issues his opinion on the measure.

The judge told attorneys Wednesday morning his ruling won't come soon. It could take weeks — possibly months — and all but certainly will be appealed by the losing side.

More than 60 witnesses have given testimony in person or by affidavit. From the Lesbian Avenger who helped promote the anti-Colorado boycott to the legal scholar who helped write the nation's bedrock civil rights laws, they've spanned the spectrum of professions and politics. They've hailed from some of the world's great centers of learning: Harvard and Oxford, Princeton and Yale. And they've elaborated on subjects as diverse as the X chromosome and the Federalist Papers.

"There's never been a more comprehensive trial that has to do with the rights of gays and lesbians," said Suzanne Goldberg, an attorney with Lambda Legal Defense Fund, a New

See **AMENDMENT 2**/A3

Associated Press

Denver District Court Judge Jeffrey Bayless listens to testimony during the Amendment 2 trial. He said Wednesday it could take weeks, or months, for him to issue a ruling.

HIGHLIGHTS

State attorneys defending Amendment 2 rested their case by trying to drive home the argument that governments have a long history of making moral judgments through law. An expert in moral and legal philosophy testified that it is appropriate for voters to decide they want to handle such sensitive issues through their constitution.

Attorneys for the plaintiffs pushed the scholar to admit that all people, including gays and lesbians, are moral equals.

WHAT'S NEXT

The trial will resume at 8:30 a.m. Friday. Attorneys challenging the amendment will call several witnesses to rebut the state's case, then both sides will make closing arguments.

WORLD

▶ **OPENING ARMS TO FORMER EAST BLOC:** NATO defense ministers meeting in Germany agreed Wednesday to consider making "partners" of their former East Bloc foes and revamping alliance strategy to deal with nuclear threats from terrorists or renegade states./**A10**

▶ **PUBLIC SUICIDE SHOCKS JAPAN:** A right-wing militant fatally shot himself in the middle of a meeting with executives of one of Japan's major newspapers to protest a cartoon last year ridiculing his political party. The action sent shock waves throughout the country./**A12**

CITY/REGION

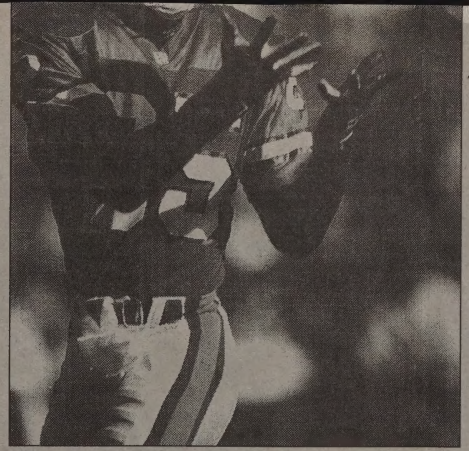
▶ **WEIGHTY ISSUES:** Issues such as the teaching of sex education, creationism and cultural diversity, and the state's new mandate for standards-based education dominated discussions at two Academy School District 20 forums./**B1**

STATE

▶ **AUTOMATIC UNION DEDUCTION OK'D:** Attorney General Gale Norton has ruled that school districts can automatically deduct union fees from teachers' paychecks, even if some of the money is used for political activities./**B4**

OPINION

▶ **FOREIGN POLICY:** Somalia is a perfect fit for an anti-war president — there are no strategic U.S.



On the move

Derek Russell, shown during warm-up for a game in 1992, has been given a boost in confidence by being ranked No. 2 in the AFC in reception yards. "I'd always heard that I could be the guy to make this offense go," the Broncos player said. SPORTS/**C1**

BUSINESS

▶ **JOINING FORCES:** The Greater Colorado Springs Economic Development Corp. will combine its study of industry recruiting efforts with the city's plan to prepare for cutbacks at military bases./**C8**

▶ **GIVING NAFTA A BOOST:** About 150 companies showcased their products Wednesday at the White House to promote the North American

phenson, was using to take unauthorized pictures. But Rose said he didn't land on Stephenson or punch him. Stephenson, 28, is seeking unspecified damages from Rose for back and ear injuries. The trial began last week. In other **Guns N' Roses** news, the band was acquitted Wednesday in Argentina of charges of obscenity and drug abuse and possession stemming from a July 16 concert.

Boxcar to the rescue

Fast thinking and CPR by country singer **Boxcar Willie** helped save the life of a man who had a heart attack at his theater in Branson, Mo. Randall Walker collapsed in the lobby after a show Saturday. "Boxcar was signing autographs pretty close by and rushed over to the man and began checking for a pulse," theater manager Tom Shockley said. "He couldn't find one so he started doing CPR." Paramedics arrived soon and took over. Walker was in serious condition Wednesday.

Long live rock

The Rock and Roll Hall of Fame named its ninth annual inductees Wednesday. On the list: **Duane Eddy**, **The Band**, the **Animals**, the **Grateful Dead**, **Elton John**, **Bob Marley**, **John Lennon** and **Rod Stewart**. To be eligible, artists must have released a record 25

Barney the hero

Four-year-old Danielle Suttle cuddles her stuffed Barney as mother Kim Suttle joins her in their Toledo, Ohio, home. Danielle alerted her parents to a 4 a.m. fire because the big purple dinosaur told her to. "Barney says if you smell a fire, you gotta go get your mommy," Danielle said. Fire officials said the child's quick action saved the lives of Danielle, her parents and her brother. The fire was contained in the kitchen, where it started.

years prior to nomination. The new inductees will be honored at a New York ceremony Jan. 19 at the Waldorf-Astoria Hotel.

hate me. Don't they know I'm a gay man in a woman's body?"

Madonna,
complaining about her thumbs-down reviews in New York City

▶ "Madonna! She's everything that's wrong with show business! People can only buy so much of that garbage! The morons who buy her books, they must have the most empty lives!"

Howard Stern,
shock jock and new author, in Newsweek

▶ "She looks like a whore and thinks like a pimp ... the very best sort of modern girl."

Julie Burchill,
British novelist, on Madonna

▶ "When we did 'Leave It To Beaver,' Ward and June didn't even have a bedroom

natures are declared invalid.

Amendment 2/ Trial ending

From A1

York law firm that specializes in gay rights.

Given that, the testimony Wednesday on moral philosophy was hardly unusual for this case.

Robert George, a Princeton University professor of legal and moral philosophy and newly appointed member of the U.S. Commission on Civil Rights, testified that homosexuality has been looked upon as morally wrong since the times of the ancient Greeks. But Amendment 2, he testified, didn't on its face appear to make a moral judgment about homosexuality.

Rather, he said, it reflected the people's moral judgment that such controversial issues are best settled by an amendment to the state constitution rather than by local or state politicians.

George's testimony goes to several key points in the defense of Amendment 2: that the state has a long and legitimate history in regulating moral conduct through law, and that voters have a right to decide that some issues are best dealt with through their constitution.

But under cross-examination, opposing attorney Greg Eurich got George to acknowledge his belief that only the behavior, and not the person, is immoral — and that gays and lesbians as people are morally equivalent to anyone else.

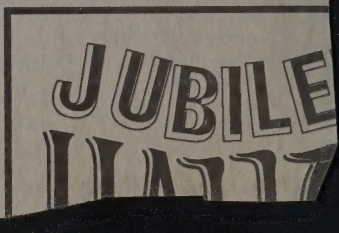
"No matter how noble or humble," the professor agreed.

lent would pass First Amendment free-speech tests.

In her first testimony on the issue, Reno told the Senate Commerce Committee it wasn't her intent to bash television.

"It is easy to forget what a miracle television is, the promise that it holds, and the remarkable capacity for education that it possesses," she said.

But noting studies linking television violence and aggressive behavior, she said, "In dangerous neighborhoods, television may be one of the safest forms of recreation left for children — unless it is more violent than the streets they are afraid to walk."

Reno said TV executives are concerned, but it's clear "some have worked harder to address this issue than others, and I address my remarks to all programmers — including those in the cable industry and independent stations which air mostly syndicated programming."

The broadcast networks — ABC, CBS, NBC and Fox — announced last summer they would add a parental warning before programs deemed violent. They also issued joint standards on violent